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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,422	09/08/2003	Scott Anthony Arvin	G&C 30566.249-US-U1	9013

22462 7590 10/04/2005

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EXAMINER

LAY, MICHELLE K

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/657,422

Applicant(s)

ARVIN ET AL.

Examiner

Michelle K. Lay

Art Unit

2672

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 September 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1,3-16,18-31 and 33-45.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s) _____.
13. ☐ Other: _____.


RICHARD HJERPE

SUPERVISORY PATENT EXAMINER
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Continuation of 11. does NOT place the application in condition for allowance because:
Applicant's remarks have been considered however, the Examiner disagrees.

In regards to Applicant's remarks concerning independent claims 1, 16, and 31, the amended claims do not disclose the function when activating the button object manipulator. As written in the prior art rejection in view of Wallace et al. (US Patent No. 5,861,889), various handles are depicted on the sphere to displace the displayed object on the screen [col. 5, lines 13-19]. As an example, if the mouse has moved and is over the frame center knob, the interior of the frame center knob handle changes color and the mouse pointer changes to have a movement representation. If the left mouse button is clicked, a drag frame center knob handle movement mode is entered [col. 8, lines 34-47]. Although the handles are not explicitly termed as buttons, as stated above, when the mouse is over the handle and the left mouse button is clicked, a mode is entered thus, activating a function and therefore, having the same properties as a button.

In regards to Applicant's remarks concerning independent claims 7, 22, and 37, the highlighting of the Wallace's handle indicates to the user the activation of the mode related to the handle. As shown in Fig. 1 of Wallace, by manipulating the handle, the sphere (26) is manipulating and in return, the graphical object (24) within the sphere is also manipulated. Thus, the activation of the handle will affect one or more properties of another object.

In regards to Applicant's remarks concerning independent claims 8, 23, and 38, the claims do not state that the object manipulator is reoriented automatically if the initial

orientation is visually confusing or indistinct. Thus, the ability to move the handles via the invention of Felser reads on these claims.

In regards to Applicant's remarks concerning independent claims 10, 25, and 40, the frame center knob handle example as described in the prior art rejection in view of Wallace et al. has multiple functions. When the mouse is over the frame center knob, the interior of the knob alters in color (one function). Furthermore, when the mouse is over the frame center knob, and the mouse button is clicked, the frame center knob handle goes into movement mode (second function).

In regards to Applicant's remarks concerning independent claims 13, 28, and 43, according to Microsoft's Computer Dictionary, a window is a portion of the screen within an applications or graphical interface that can contain its own document or message. The screen can be divided into several windows , where each window has it's own boundary. Thus, being in a graphical interface, the boundaries constitute graphical elements. Additionally, it is well known to have windows in graphics drawing programs, such as AutoCAD. By resizing these boundaries, the graphical elements are being modified.

In regards to Applicant's remarks concerning independent claims 14, 29, and 44, the claims do not disclose what the particular glyph shape needs to look like to indicate an alignment. Thus, the circle in the combined invention of Wallace in view of Young (US Patent 5,299,307) indicates to the user that the graphical elements are within the proximity region of the guidelines.

In regards to Applicant's remarks concerning independent claims 15, 30, and 45, as it can be seen in Fig. 10 of Frank et al., window 255 is translucent, including buttons 285-288. Although not shown in Fig. 10, it would have been obvious that objects behind buttons 285-288 would be seen since they are part of window 255, and objects behind window 255 can be seen. Furthermore, in the same rationale for claims 13, 28, and 43, according to Microsoft's Computer Dictionary, a window is a portion of the screen within an applications or graphical interface that can contain its own document or message. The screen can be divided into several windows , where each window has it's own boundary. Thus, being in a graphical interface, the boundaries constitute graphical elements. Additionally, it is well known to have windows in graphics drawing programs, such as AutoCAD. By resizing these boundaries, the graphical elements are being modified.

09.21.2005 mkl

A handwritten signature in black ink, appearing to be 'mkl' with a stylized flourish.